

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY LOU MIKULA

Plaintiff,

v.

ALLEGHENY COUNTY OF
PENNSYLVANIA

Defendants.

Civil Action No.

Judge:

JURY TRIAL DEMANDED

COMPLAINT

AND NOW comes Plaintiff Mary Lou Mikula, by and through her attorneys, Margolis Edelstein, Charles H. Saul, Esquire, and Liberty J. Weyandt, Esquire, by way of a Complaint against Defendant Allegheny County of Pennsylvania, and alleges as follows:

I. INTRODUCTION

1. Plaintiff Mary Lou Mikula brings this action under the Equal Pay Act, 29 U.S.C. § 206 (“EPA”) and the Pennsylvania Equal Pay Act, 43 P.S. 336.1, et seq. (“Pa. EPA”). She seeks redress for disparate pay due to her sex, a female, in violation of the EPA and the Pa. EPA.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, 1337 and 1343 and 42 U.S.C. § 2000 e-5(f).

3. Defendant Allegheny County is an “employer” within the meaning of the EPA and Pa. EPA..

4. Plaintiff Mikula is an “employee” of Defendant within the meaning of the EPA and the Pa. EPA.

5. The unlawful acts alleged were committed in the Western District of Pennsylvania. Venue is proper before this Court under 28 U.S.C. § 1391(b).

III. PARTIES

6. Plaintiff Mikula is a resident of the Commonwealth of Pennsylvania, residing at 140 LaVale Drive, Suite 401, Monroeville, Pennsylvania.

7. The Defendant, Allegheny County, is a political subdivision of the Commonwealth of Pennsylvania, duly recognized as a County possessing the corporate power to sue and be sued.

COUNT I – EQUAL PAY ACT

8. Plaintiff Mikula became an employee of Defendant on or about March 16, 2001.

9. Since on or about March 16, 2001, Plaintiff Mikula's job classification has been that of Grants Coordinator.

10. Since assuming the position of Grants Coordinator, Plaintiff Mikula, a female, has been paid substantially less compensation than that of male counterparts.

11. By paying Plaintiff Mikula, a female, less money and benefits for substantially equal work performed by males whose jobs, the performance of which, required equal or less skill, effort, and responsibility than the position held by Plaintiff Mikula, and whose jobs were performed under similar working conditions, Defendant violated the EPA.

12. Defendant was aware that the EPA applied to it or showed reckless disregard for whether or not it applied to it.

13. Defendant violated the EPA willfully, without good cause, and without good faith.

WHEREFORE, Plaintiff Mary Lou Mikula respectfully demands judgment in her favor and against Defendant, and requests the following relief: all amounts due to her for Defendant's failure to pay her an amount equal to her male counterparts, liquidated damages in an additional equal

amount, reasonable attorney's fees, plus costs, and such other relief as the Court shall deem appropriate.

COUNT II – PENNSYLVANIA EQUAL PAY LAW

14. The preceding paragraphs are incorporated herein as if fully set forth.

15. By paying Plaintiff Mikula, a female, less money and benefits for substantially equal work performed by males whose jobs, the performance of which, required equal or less skill, effort, and responsibility than the position held by Plaintiff Mikula, and whose jobs were performed under similar working conditions, Defendant violated the Pennsylvania Equal Pay Law, 43 P.S. § 336.1, et seq.

WHEREFORE, Plaintiff Mary Lou Mikula respectfully demands judgment in her favor and against Defendant, and requests the following relief: all amounts due to her for Defendant's failure to pay her an amount equal to her male counterparts, liquidated damages in an additional equal amount, reasonable attorney's fees, plus costs, and such other relief as the Court shall deem appropriate.

Respectfully Submitted,

MARGOLIS EDELSTEIN

Date: 12/4/06

/s/ Charles H. Saul
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Attorney for Plaintiff